

# **EXHIBIT K**

## **Declaration of Nicholas A. Widnell**

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16 *Ultimate Fighting Championship and UFC*

17 UNITED STATES DISTRICT COURT  
18 DISTRICT OF NEVADA

19  
20 Cung Le, Nathan Quarry, Jon Fitch, Brandon  
21 Vera, Luis Javier Vazquez, and Kyle  
Kingsbury on behalf of themselves and all  
others similarly situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting  
25 Championship and UFC,

26 Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF NICHOLAS  
A. WIDNELL IN SUPPORT OF  
ZUFFA'S OPPOSITION TO  
PLAINTIFFS' EMERGENCY  
MOTION TO RESCHEDULE  
DEPOSITIONS**

1 I, Nicholas A. Widnell, declare as follows:

2 1. I am an attorney admitted to practice before the District of Columbia and am  
3 admitted pro hac vice to practice before this Court in this matter. I am Counsel in the law firm  
4 Boies Schiller Flexner LLP, and represent Defendant Zuffa, LLC (“Zuffa”) in this case.

5 2. I make this declaration in support of Zuffa’s Opposition to Plaintiffs’ Emergency  
6 Motion to Reschedule Depositions. Except where otherwise noted, I have personal knowledge of  
7 the contents of this declaration and, if called to testify, could and would competently testify  
8 thereto.

9 3. On April 7, 2017 at 4:27 p.m., counsel for Plaintiffs, Kevin E. Rayhill, served a  
10 Notice of Videotaped Deposition of Kirk Hendrick Pursuant to Federal Rules of Civil Procedure  
11 26 and 30 (“Hendrick Notice”) on Zuffa by e-mail.

12 4. The Hendrick Notice specified Monday, April 24, 2017 at 9:00 a.m. as the date  
13 and time for Mr. Hendrick’s deposition and the Las Vegas office of Boies Schiller Flexner as the  
14 location for the deposition.

15 5. On April 8, 2017, the day after receiving the Hendrick Notice, I called Mr.  
16 Hendrick to ask whether he was available to be deposed at 9:00 a.m. on April 24, 2017 at the Las  
17 Vegas office of BSF. During that phone call, Mr. Hendrick told me that he was available at that  
18 date and time for the deposition.

19 6. Immediately after speaking to Mr. Hendrick, I communicated with other attorneys  
20 from Boies Schiller Flexner, counsel for Zuffa, and counsel for WME | IMG regarding  
21 Mr. Hendrick’s noticed deposition date and told them that Mr. Hendrick was available to be  
22 deposed on that date and that time. I inquired as to their availability regarding preparation for the  
23 deposition as well as their availability on the noticed day of the deposition itself.

24 7. By April 14, 2017, I was finally able to confirm that counsel for Boies Schiller  
25 Flexner, Zuffa, and WME | IMG could attend Mr. Hendrick’s deposition on April 24, 2017 at  
26 9:00 a.m.

27 8. During the entirety of this litigation, Zuffa has attempted to accommodate  
28 Plaintiffs’ requests for deposition dates and has attempted to make its current and former

1 employees available for depositions on the date Plaintiffs noticed, regardless of whether Plaintiffs  
2 had asked counsel for Zuffa about the availability of current and former Zuffa employees.

3 9. Plaintiffs have generally scheduled depositions in this matter by noticing a  
4 deposition for a date and location without first consulting either Zuffa's counsel or the deponent  
5 (in the case of third parties). In instances where Plaintiffs noticed current or former employees of  
6 Zuffa, Zuffa has always informed Plaintiffs if the noticed employee would not be available on the  
7 noticed date.

8 10. At no time did counsel for Zuffa tell or lead Plaintiffs to believe that Mr.  
9 Hendrick would not be available to be deposed beginning at 9:00 a.m. on April 24, 2017.

10 11. On April 19, Ms. Stacey Grigsby and Ms. Marcy Lynch defended the deposition of  
11 a former Zuffa employee that was taken by Mr. Matthew Weiler with the assistance of Mr. Kevin  
12 Rayhill. During a break in the deposition, Ms. Grigsby told me that Mr. Rayhill had asked her  
13 whether Zuffa would agree to move the depositions of Mr. Hendrick and two other Zuffa  
14 employees (Mr. Hertig and Mr. Epstein) to May.

15 12. Ms. Grigsby told me that she had not agreed to move the depositions.  
16 Nevertheless, as I was meeting with Mr. Hendrick on the next day, when I met with him, I asked  
17 if he would be available on any other dates. Mr. Hendrick explained to me that, given that he had  
18 been waiting to schedule other obligations until after he knew when his deposition would take  
19 place, he made other commitments as soon as he learned the deposition date. Those commitments  
20 would complicate moving his deposition. Other than April 25, 2017, he did not believe he would  
21 be available for the foreseeable future. Mr. Hendrick prepared and signed a separate declaration  
22 that is attached as **Exhibit L** to the Declaration of Stacey K. Grigsby in Support of Zuffa, LLC's  
23 Opposition to Plaintiffs' Emergency Motion to Reschedule Depositions (ECF No. 377) ("Grigsby  
24 Declaration").

25 13. On June 5, 2016, Plaintiffs initially noticed their deposition of Zuffa pursuant to  
26 Federal Rule of Civil Procedure 30(b)(6). This deposition notice included a topic Plaintiffs'  
27 called "UFC Fighter Contracts."  
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1           14.     On August 3, 2016, Plaintiffs served Zuffa with an amended Rule 30(b)(6) notice,  
2     which included a topic called “UFC Fighter Contracts.”

3           15.     On October 5, 2016, counsel for Zuffa informed Plaintiffs in writing that Zuffa  
4     was designating Mr. Hendrick as one of its Rule 30(b)(6) witnesses. In addition, as part of that  
5     message, Zuffa also requested that Plaintiffs take Mr. Hendrick’s individual deposition the same  
6     week as the 30(b)(6) deposition.

7           16.     On October 17, 2016, counsel for Zuffa met and conferred telephonically with  
8     counsel for Plaintiffs. During that call, Plaintiffs made clear that they would not agree to take Mr.  
9     Hendrick’s deposition either immediately before or after the 30(b)(6) deposition, which was  
10    scheduled to begin on November 29, 2016.

11          17.     On October 24, 2016, counsel for Zuffa sent Patrick F. Madden, counsel for  
12    Plaintiffs, a letter detailing how the staggered scheduling of Mr. Hendrick’s individual and  
13    30(b)(6) depositions imposed a significant burden and severe hardship on Mr. Hendrick.

14          18.     On October 26, 2016, Mr. Madden responded to Zuffa’s letter and refused to  
15    schedule Mr. Hendrick’s individual deposition on a date proximate to the 30(b)(6) deposition.

16    **Exhibit M.**

17          19.     Based on the presumption that Plaintiffs had noticed Mr. Hendrick’s deposition for  
18    the date they intended to take the deposition, counsel for Zuffa have incurred travel expenses and  
19    arranged the schedules accordingly.

20          20.     I have scheduled a trip from Washington DC to Las Vegas and have a hotel  
21    reservation in Las Vegas for April 23-24.

22          21.     An associate from our Oakland office has also made travel arrangements to be  
23    present at the Mr. Hendrick’s deposition.

24          22.     Mr. Riche McKnight, counsel for WME | IMG has also arranged for travel to Las  
25    Vegas in order to be present at the deposition.

26          23.     In Plaintiffs’ Emergency Motion to Reschedule Depositions, Plaintiffs state that  
27    they “would be prejudiced absent rescheduling because there is insufficient time to prepare for the  
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1 depositions.” However, in similar circumstances, Plaintiffs have declined to reschedule a  
2 deposition due to travel costs they had incurred.

3 24. On Tuesday, January 31, 2017, I discovered that the attorney who was schedule to  
4 take Mr. Jon Fitch’s deposition on February 16, 2017 would not be available on that date, but  
5 would be available on the next day, February 17, 2017 when we had noticed Mr. Brandon Vera’s  
6 deposition. I immediately wrote to Mr. Patrick Madden to see if we could switch the dates of  
7 Mr. Vera’s and Mr. Fitch’s depositions.

8 25. On February 1, 2017, Mr. Michael Dell’Angelo replied that Plaintiffs were not willing to  
9 change the dates because, “pre-paid travel and lodging has long since been arranged for Messrs.  
10 Fitch and Vera. That issue aside, the change in travel dates would be very inconvenient for the  
11 witnesses.” A copy of Mr. Dell’Angelo’s response is attached as **Exhibit N** to the Declaration of  
12 Stacey K. Grigsby.

13 I declare under penalty of perjury under the laws of the United States of America that the  
14 foregoing facts are true and correct. Executed this 21st day of April 2017, in Las Vegas, Nevada.

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17 /s/ Nicholas A. Widnell  
18 Nicholas A. Widnell  
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